

**MINUTES**

**BOARD OF COMMISSIONERS**

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, October 17, 2016 at 7:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meetings Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro Tem
Randy Brewster	Commissioner
Frank Ducos	Commissioner
Jeremy Duff	Commissioner
Marguerite Love	Commissioner
Mike Tugman	Commissioner

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Janelle Dolan, City Clerk; Ed Stahr, Police Chief; and Mike Guevara and Nicole Burns, Shahan, Guevara, Decker and Arrott, Attorneys at Law.

Item 1. Mayor Law called the meeting to order and welcomed the visitors.

Item 2. Invocation was given by Commissioner Brewster

Item 3. The Pledge of Allegiance was led by Boy Scout Troop and Pack 600.

Item 4. Consent Agenda.

- A. Approval of Minutes from September 6 and September 13, 2016 Special Called Meetings, September 19, 2016 Regular Scheduled Meeting, and September 29, 2016 Special Called Meeting

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve Consent Agenda 4. Motion carried unanimously.

Item 5. Ordinance Number 902 was presented. Caption of same being:

AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF BURKBURNETT, TEXAS, PROVIDING FOR COMPENSATION THEREFOR,

PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

Mr. Whaley addressed the Mayor and Commissioners and stated the City's electric franchise with ONCOR Electric Delivery Company is set to expire on December 31st, 2016. The City attorney has reviewed and approved the ordinance supplied by ONCOR. The previous franchise agreement was passed and approved in 2006. The current franchise renewal has a term of 20 years and will expire on September 30, 2037. Gordon Drake, ONCOR West Regional Customer Operations Area Manager, was present to answer any questions. As required by Charter this is the third and final reading.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Love to approve Ordinance Number 902 as presented. Motion carried unanimously.

Item 6. Mayor Law closed the regular meeting at 7:03 p.m. and opened the "Public Hearing" for the following Planning & Zoning Commission Case:

- A. Case #2016-30, re-zone application for Highland Drive, rezoned as a carport overlay district.

Mr. Whaley addressed the Mayor and Commissioners and stated the application was presented by Eddie and Carla Morrow owners of property located at 103 Highland Dr. This request is to allow for a carport overlay district for Highland Dr. All publishing and mail out requirements have been met. Also, the required number of signatures (75%) has been satisfied and ownership was verified by City staff. 27 out of the 36 total property owners on the block signed the petition. Public Notices, as required by the Zoning Ordinance, were sent to the proposed district and all properties within a 200-foot radius. The Planning and Zoning Board met and staff presented the information for review. The vote was 4-0 in favor of approval of the request. 4 members were in attendance.

Item 7. Mayor Law closed the "Public Hearing" at 7:05 p.m. and reopened the regular meeting to take action on the Planning & Zoning Commission Case:

- A. Case #2016-30, re-zone application for Highland Drive, rezoned as a carport overlay district.

Motion was made by Commissioner Love, seconded by Commissioner Duff to approve Case #2016-30, re-zone application for Highland Drive, rezoned as a carport overlay district.

Ayes: Mayor Law; Commissioners Brewster, Ducos, Duff, Lindenborn, and Love

Abstained: Commissioner Tugman  
Motion carried.

Item 8. Mr. Whaley addressed the Mayor and Board of Commissioners and stated it was brought to his attention that the Board of Commissioners may be interested in reviewing the procedures for obtaining an alcohol permit for events held at the Community Center as well as the possibility to allow liquor at these events which is currently restricted to beer and wine. Current procedures allow the City Manager review and approve private events, but requires the Board of Commissioners to review and approve public events. The recommendation is to allow the City Manager the authority to review and approve both public and private events.

Motion was made by Commissioner Tugman, seconded by Commissioner Duff for the City Manager to bring back on ordinance giving the City Manager authority to approve alcohol at both private and public events and to expand the definition of alcohol.

Ayes: Commissioners Ducos, Lindenborn, and Tugman  
Nays: Mayor Law; Commissioners Brewster, Duff, and Law  
Motion failed.

Item 9. Mr. Whaley addressed the Mayor and Commissioners and stated the Board of Commissioners appoints members to the Housing Authority Board. Currently, the Housing Authority Board of Directors consists of Chairman, Steve Schelter, Vice Chair Fred Hayes, Marion Weese, Doug Smith, and David Reed. Marion Weese resigned from the Board creating a vacancy. The Housing Authority Board has recommended Mr. Keith Myers to be placed on the board to fill the vacancy.

Motion was made by Commissioner Brewster to postpone action on this agenda item.  
Motion died for lack of a second.

Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to approve the appointment of Keith Myers to the Housing Authority Board of Directors.

Ayes: Mayor Law; Commissioners Ducos, Duff, Lindenborn, Love and Tugman  
Nays: Commissioner Brewster  
Motion carried.

Item 10. Mayor Law closed the meeting at 7:30 p.m. and opened the Executive Session pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code; the Board of Commissioners may convene in Executive Session regarding the following matters:

- a. Mike Whaley, City Manager Evaluation

Item 11. Mayor Law reconvened the regular meeting at 9:35 p.m. No action was taken.

Item 12. No public comments.

Item 13. City Manager comments.

- Auditors in office November 7<sup>th</sup> -11<sup>th</sup>

Item 14. No Commissioner Comments.

Item 15. Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

Carl Law, Mayor

**ATTEST:**

Janelle Dolan, City Clerk